

Pendergast, Jim

From: Fertik, Rachel
Sent: Tuesday, December 17, 2013 8:32 PM
To: Kaiser, Russell;Pendergast, Jim
Subject: Brief/interim report out from SAB

I'm sorry Russ. I'm accessing my work email for the first time since Sunday night. Had access problems last night. I will write up a preliminary summary of the SAB meeting tomorrow to go up with the Biweekly. Laurie and I agreed to merge our notes, so I will be sharing my detailed summary with her, and she will add hers and then we will both send the same thing to our respective managers. Sorry I couldn't get anything to you today.

As a side note, was in the office this afternoon briefly and I gave a succinct verbal report out to Jim, just in case he was wondering. Here is a brief overview off the top of my head.

- The panel does NOT seem to be heading towards trying to define categories or types of waters that are jurisdictional. They flirted with the idea, and some even made some suggestions about water types (e.g. prairie potholes would have probably made the cut) but then dropped it.
- On the other hand, they unanimously disagreed with one of the key conclusions about unidirectional ("other") waters. The sentence that says "insufficient evidence to draw conclusions..." they are recommending deletion. They agree with the conclusion that unidirectional waters are on a gradient - but they see it as a multidimensional gradient and think that the space and time aspect of the gradient is under-emphasized in the report. They do think that there are waters on each end of that gradient that can be identified more easily - those that are truly isolated and those that are connected.
- The oral testimony of Public Comments was interesting, but no real surprises in terms of the stakeholder positions. Positions were consistent with what they have said previously. Industry/ag/devel stakeholders definitely want the panel to delve into the policy and they were keen to let the panel know about the letters from congress and that EPA was "withholding" the rule from them.
- There has been considerable discussion about the classification of Bi- vs Uni-directional, but it seems that the panel will not recommend removing/replacing it - they recognize it is a communication tool for us. They do believe it should be viewed as such and that it is an oversimplification and must be layered on top of the conceptual framework in order to give an accurate representation of the waters in the landscape and their relative connectivity and influence on downstream/downgradient waters.

OK, that's just a preview off the top of my head. This could change - they had their breakout sessions this afternoon and tomorrow's wrap-up will really give us a sense of the direction they are heading.

Rachel
